



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

GEORGIA M. PESTANA
Acting Corporation Counsel

ERIN RYAN
Assistant Corporation Counsel
Tel.: (212) 356-5056
Fax: (212) 356-3509
eryan@law.nyc.gov

July 06, 2021

BY ECF

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSEMENT

Re: Cleament France v. Police Officer Dorch, et al., 19-CV-9881 (PGG)(GWG)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, assigned to the defense of the above-referenced matter on behalf of Defendants City of New York, Fred Dorch, Luis Angeles, and William Rojas.¹ In that capacity, I write to respectfully request that the Court order plaintiff to produce responses to defendants' June 2, 2021 document requests and execute necessary medical releases by a date certain.

By way of background, *pro se* Plaintiff alleges, *inter alia* that the individual Defendant officers improperly searched him during his October 19, 2017 arrest, and that they used excessive force against him. See Docket Entry No. 1. On May 26, 2021, this Office took Plaintiff's deposition and learned Plaintiff had documents and other information relevant to this case. Therefore, on June 2, 2021, Defendants' emailed and mailed Plaintiff documents requests and medical releases for execution. Specifically, Defendants requested that Plaintiff produce the search warrant executed on October 19, 2017, any Notice of Claim filed in advance of this lawsuit, any 50-H Transcripts related to this lawsuit, any documents from either his federal or state criminal case, any information about witnesses to the incident, and any documentation related to this lawsuit. Further, we also

¹ This case has been assigned to Assistant Corporation Counsel Caroline McGuire, who is presently awaiting admission to the Bar and is handling this matter under supervision. Ms. McGuire may be reached directly at 929-486-3869, or by email at cmcguire@law.nyc.gov.

requested that Plaintiff return executed HIPAA release for his Rikers medical records and his BronxCare medical records.

Plaintiff acknowledged receipt of these document requests and medical releases on June 7, 2021. This Court granted Defendants' request for a discovery extension so that Plaintiff could have more time to respond to these requests. See Docket Entry No. 46. However, to date, Plaintiff has not responded to Defendant's June 2, 2021 document request or provided any executed medical releases, nor has Plaintiff provided an explanation for his failure to comply with these requests. All fact discovery in this case is set to close on July 14, 2021. Id.

Accordingly, defendants respectfully request that the Court direct plaintiff to provide responses to Defendants' June 2, 2021 document requests, and execute the relevant medical releases, by a date certain.

Thank you for your consideration and attention to this matter.

Respectfully submitted,


/s/

Erin Ryan
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Cleament France (By First-Class Mail and E-Mail)
Plaintiff Pro Se
1228 Union Avenue
Bronx, NY 10459

Application denied without prejudice to a new application that complies with paragraph 2.A of the Court's Individual Practices.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge
July 7, 2021

COPY MAILED TO PLAINTIFF BY CHAMBERS